

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

DAVID THOMAS, : NO. 1:13-CV-00053

Plaintiff, :

: **ORDER**

v. :

GARY STILTNER, et al., :

Defendants. :

This matter is before the Court on the Magistrate Judge's June 13, 2014 Report and Recommendation (doc. 38), in which she recommended first that Plaintiff's Complaint be dismissed for want of prosecution and second, that the Motion to Quash Plaintiff's December 4, 2013 Subpoena (doc. 19) be denied as moot. No Objection has been filed.

Proper notice was provided to the Parties under Title 28 U.S.C. § 636(b)(1)(C), including the notice that they would waive further appeal if they failed to file an objection to the Magistrate Judge's Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947, 949-50 (6<sup>th</sup> Cir. 1981). Having reviewed this matter de novo, pursuant to Title 28 U.S.C. § 636, the Court concludes that the Magistrate Judge's Report and Recommendation is correct. Accordingly, the Court ADOPTS and AFFIRMS the Report and Recommendation (doc. 38), DISMISSES Plaintiff's Complaint with prejudice pursuant to Fed. R. Civ. P. 41(b) for want of prosecution, Jourdan v. Jabe, 951 F.2d 108, 109-10 (6<sup>th</sup> Cir. 1991), and DENIES as moot the Motion to Quash Plaintiff's December 4, 2013 Subpoena (doc. 19).

SO ORDERED.

Dated: July 15, 2014

/s/ S. Arthur Spiegel

S. Arthur Spiegel

United States Senior District Judge